Senate File 2031 - Introduced

SENATE FILE 2031 BY R. TAYLOR

A BILL FOR

- 1 An Act relating to actions to quiet title of real property
- 2 based upon the doctrine of adverse possession, and including
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S.F. 2031

- 1 Section 1. NEW SECTION. 649.9 Adverse possession action.
- In an action to quiet title based upon the doctrine
- 3 of adverse possession, a party claiming title shall prove by
- 4 a preponderance of the evidence that the adverse possessor
- 5 has been in hostile, actual, open, exclusive, and continuous
- 6 possession of the real property under either claim of right
- 7 or color of title for at least ten years and that the adverse
- 8 possessor has paid the property taxes assessed on the real
- 9 property for the period of possession.
- 2. For purposes of this section, "claim of right" means the
- 11 actual occupation, use, and improvement of the property by the
- 12 adverse possessor in such a manner as to put the titleholder of
- 13 the real property on notice as to the adverse possessor's claim
- 14 for possession of the real property.
- 15 Sec. 2. APPLICABILITY. This Act applies to actions
- 16 commenced on or after July 1, 2020, to quiet title based upon
- 17 the doctrine of adverse possession.
- 18 EXPLANATION
- 19 The inclusion of this explanation does not constitute agreement with
- the explanation's substance by the members of the general assembly.
- 21 This bill relates to an action to quiet title of real
- 22 property based upon the doctrine of adverse possession.
- 23 The bill provides that in an action to quiet title based
- 24 upon the doctrine of adverse possession a party claiming title
- 25 shall prove by a preponderance of the evidence that the adverse
- 26 possessor has been in hostile, actual, open, exclusive, and
- 27 continuous possession of the real property under either claim
- 28 of right or color of title for at least 10 years and that the
- 29 adverse possessor has paid the property taxes assessed on the
- 30 real property for the period of possession. For purposes of
- 31 the bill, "claim of right" means the actual occupation, use,
- 32 and improvement of the property by the adverse possessor in
- 33 such a manner as to put the titleholder of the real property on
- 34 notice as to the adverse possessor's claim for possession of
- 35 the real property.

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- The bill applies to actions commenced on or after July
- 2 1, 2020, to quiet title based upon the doctrine of adverse
- 3 possession.